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SAVE MART SUPERMARKETS
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
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13 SAVE MART SUPERMARKETS, d/b/a
FOOD MAXX, a California Corporation

14 Plaintiff,

15 vs.

16 WAL-MART REAL ESTATE BUSINESS
TRUST, a Delaware Statutory Trust, WAL-
17 MART STORES, INC., a Delaware
Corporation

18 Defendants.
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Case No.: 08-03885

**[PROPOSED] ORDER TO FILE FIRST
AMENDED COMPLAINT FOR
DECLARATORY RELIEF,
ANTICIPATORY BREACH AND
INJUNCTIVE RELIEF**

1 IT IS HEREBY ORDERED THAT:

2 1. Plaintiff Save Mart Supermarkets may file the First Amended Complaint attached
3 to the Stipulation to File First Amended Complaint for Declaratory Relief, Anticipatory Breach
4 and Injunctive Relief; and

5 2. Wal-Mart Real Estate Business Trust shall not respond to the Complaint and
6 instead both Wal-Mart Real Estate Business Trust and Wal Mart Stores, Inc. shall respond to the
7 First Amended Complaint within sixty (60) days of service by Save Mart of a F.R.C.P. 4(d)
8 request for waiver of service.

9 Dated: _____

10 _____
United States District Court Judge